IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 21904 of 2004

Between:

Venka Satyanarayana S/o.Venkateswara Rao, Hindu
Pedathummidi Village, Bantumilli Bantumilli Mandal, Krishna District.

..... PETITIONER

AND

1 The District Collector, Krishna Chilakalapudi, Machilipatnam.
2 The Renenue Divisional Officer Machilipatnam, Krishna District.
3 The Mandal Revenue Officer Bantumilli Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ, order or direction particularly in the nature of writ of Mandamus and direct the respondents not to evict the petitioner from the land in Rs.No.795/1, 795/2, 707/2p and 795/3 to an extent of acres 8.77 cents situated at Pedathummidi Village, Bantumilli Mandal, krishna District.

Counsel for the Petitioner:MR.V.V.PRABHAKARA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.21904 of 2004

ORDER:

The petitioner claims to have purchased an extent of Ac.8-77 cents of agricultural land in Rs.No.795/1, 795/2, 707/2p and 795/3 of Pedathummidi village, Banthumilli Mandal, Krishna District from various vendors on 23.9.2003 and since then he has been in possession and enjoyment of the same. The grievance of the petitioner is that the respondents are trying to evict him from the lands in question, without issuing any notice and without following due procedure prescribed under law, on the ground that the lands in question are assigned lands.

Heard the learned Counsel for the petitioner and the learned Government Pleader for Revenue. Both the Counsel agreed for disposal of the writ petition at the admission stage.

The principles of natural justice demand that before any action is taken by the authorities against private individuals, resulting in civil consequences, a notice calling for the explanation has to be issued to the individual concerned, and after

considering the explanation, pass appropriate orders, and take action in accordance therewith. Since it is alleged by the petitioner that the respondents are trying to evict the petitioner from the lands in question without following the due procedure prescribed under law, I deem it appropriate to dispose of the writ petition directing the respondents to follow the due procedure prescribed under law, before evicting the petitioner from the lands in question, in that, a notice calling for the explanation of the petitioner shall be issued, and after considering the explanation that may be submitted by them, pass orders and take consequential action in accordance with the said order. It is made clear that if the respondents have already followed the due procedure prescribed under law, and if the land is a government land, they are at liberty to proceed further in the matter.

The writ petition is accordingly disposed of at the stage of admission. No costs.

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N.V.RAMANA, J

30TH NOVEMBER, 2004

Gsn.

To

1 The District Collector, Krishna Chilakalapudi, Machilipatnam.
2 The Renenue Divisional Officer Machilipatnam, Krishna District.
3 The Mandal Revenue Officer Bantumilli Mandal, Krishna District.

4 2 Ccs to the G.P. for Revenue, High Court of A.P.,Hyderabad(OUT)

5. 2 CD copies.

THE HONOURABLE SRI JUSTICE N.V.RAMANA

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W.P.No.21904 of 2004

30-11-2004